

# **EXHIBIT 79**

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
MDL-NO. 16-2738 (FLW) (LHG)

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IN RE: JOHNSON & JOHNSON

TALCUM POWDER PRODUCTS ORAL DEPOSITION OF:

MARKETING, SALES PRACTICES, DANIEL L.

CLARKE-PEARSON, MD

AND PRODUCTS LIABILITY

VOLUME 1

LITIGATION

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\* \* \* \*

THURSDAY, AUGUST 26, 2021

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<p>1 EXHIBITS</p> <p>2 EXHIBITS ATTACHED TO THE END OF THIS TRANSCRIPT</p> <p>3</p> <p>4 Exhibit 1, notice of deposition of Dr. Daniel L.</p> <p>5 Clarke-Pearson</p> <p>6 Page 10</p> <p>7 Exhibit 1A, amended notice of deposition of Dr.</p> <p>8 Daniel L. Clarke-Pearson</p> <p>9 Page 10</p> <p>10 Exhibit 2, original Dropbox production of documents</p> <p>11 responsive to deposition</p> <p>12 Page 11</p> <p>13 Exhibit 3, supplement of Dropbox documents</p> <p>14 Page 11</p> <p>15 Exhibit 4, binder of Dr. Daniel L. Clarke-Pearson</p> <p>16 Page 12</p> <p>17 Exhibit 5, collection of notes and some miscellaneous</p> <p>18 additional information separate from binder</p> <p>19 Page 16</p> <p>20 Exhibit 6, collection of the invoices</p> <p>21 Page 23</p> <p>22 Exhibit 7, MDL report from November 16th, 2018</p> <p>23 Page 44</p> <p>24 Exhibit 8, the amended report dated July 2nd, 2021</p> <p>25 Page 44</p>	<p>1 Exhibit 21, email from Ed McCarthy dated October 21,</p> <p>2 2012</p> <p>3 Page 196</p> <p>4</p> <p>5 Exhibit 22, article by Dr. Wong, et al, entitled:</p> <p>6 Perineal Talc Exposure and Subsequent Epithelial</p> <p>7 Ovarian Cancer: A Case-Control Study</p> <p>8 Page 199</p> <p>9</p> <p>10 Exhibit 23, publication by David Egilman, et al</p> <p>11 titled: A Review of the Talc Industry's Influence on</p> <p>12 Federal Regulation and Scientific Standards For</p> <p>13 Asbestos in Talc</p> <p>14 Page 204</p> <p>15 Exhibit 24, Dr. Clarke-Pearson's oral deposition</p> <p>16 dated Monday, February 4, 2019</p> <p>17 Page 206</p> <p>18 Exhibit 25, Expert Report of Daniel L.</p> <p>19 Clarke-Pearson, MD on Hilary Converse</p> <p>20 Page 264</p> <p>21 Exhibit 26, medical record for Hilary Converse</p> <p>22 Page 339</p> <p>23</p> <p>24 Exhibit 27, NCI PDQ</p> <p>25 Page 342</p> <p>26</p> <p>27 Exhibit 28, ProHealth Physicians of Hamden medical</p> <p>28 record</p> <p>29 Page 349</p> <p>30</p>
	<p>1</p> <p>2 REQUESTS</p> <p>3</p> <p>4 REQUEST.....Page 20</p> <p>5 REQUEST.....Page 26</p> <p>6 REQUEST.....Page 27</p> <p>7 REQUEST.....Page 43</p> <p>8 REQUEST.....Page 56</p> <p>9 REQUEST.....Page 63</p> <p>10 REQUEST.....Page 67</p> <p>11 REQUEST.....Page 67</p> <p>12 REQUEST.....Page 70</p> <p>13 REQUEST.....Page 104</p> <p>14 REQUEST.....Page 251</p> <p>15 REQUEST.....Page 264</p> <p>16</p> <p>17</p> <p>18</p> <p>19 MARKED</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 (On the record at 10:05 AM)</p> <p>2 (D A N I E L L. C L A R K E - P E A R S O N, M D,</p> <p>3 having been duly sworn, was examined and testified as</p> <p>4 follows:)</p> <p>5 (EXAMINATION OF DR. CLARKE-PEARSON BY MS. BROWN:)</p> <p>6 Q. Dr. Clarke-Pearson, good morning, Dr.</p> <p>7 Clarke, how are you?</p> <p>8 A. I'm fine, thank you. Good morning.</p> <p>9 Q. Good morning. I'm Alli Brown. We've</p> <p>10 met before. It's nice to see you again.</p> <p>11 A. Yes.</p> <p>12 Q. I'm here with my colleague, Kate</p> <p>13 Mullaley, and we have some questions for you on</p> <p>14 behalf of Johnson &amp; Johnson.</p> <p>15 Okay?</p> <p>16 A. Okay.</p> <p>17 Q. So let's just do a couple of</p> <p>18 housekeeping things, if we could.</p> <p>19 What I'd like to do is mark as Exhibit</p> <p>20 1 and 1-A the notice of your deposition and then the</p> <p>21 amended notice of your deposition.</p> <p>22 (Exhibit 1, notice of deposition of Dr.</p> <p>23 Daniel L. Clarke-Pearson, is marked for</p> <p>24 identification)</p> <p>25 (Exhibit 1A, amended notice of</p>	<p>1 Q. And we had a discussion with counsel</p> <p>2 off the record, the documents are quite voluminous,</p> <p>3 and so we will supplement this record with some kind</p> <p>4 of electronic copy for the court reporter so that we</p> <p>5 can somehow have a complete record of what was</p> <p>6 produced in advance of your deposition.</p> <p>7 And then, Dr. Clarke-Pearson, I</p> <p>8 understand you have physically brought to your</p> <p>9 deposition a very large, maybe three or four-inch</p> <p>10 looking binder.</p> <p>11 Would you be so kind on the record as</p> <p>12 to explain to us what it is and then we will</p> <p>13 supplement a copy, which I think would bring us to</p> <p>14 Exhibit 4 for your binder.</p> <p>15 (Exhibit 4, binder of Dr. Daniel L.</p> <p>16 Clarke-Pearson, is marked for identification)</p> <p>17 THE WITNESS: Okay. So this binder</p> <p>18 contains materials that I reviewed in preparation for</p> <p>19 this case.</p> <p>20 There is three sections for the three</p> <p>21 patients that we're going to be deposed -- I'm going</p> <p>22 to be deposed about. So there is an expert report</p> <p>23 for each one of those. There is a patient profile</p> <p>24 report. A first amended profile report. A second</p> <p>25 amended profile report. And this is with regard to</p>
<p>1 deposition of Dr. Daniel L. Clarke-Pearson, is marked</p> <p>2 for identification)</p> <p>3 BY MS. BROWN:</p> <p>4 Q. And I don't think we have to waste a</p> <p>5 whole lot of time with these, Doctor, because I</p> <p>6 understand through your counsel you've already</p> <p>7 provided us with some responsive documents.</p> <p>8 So mark those as 1 and 1-A.</p> <p>9 MS. THOMPSON: And we filed objections</p> <p>10 as well.</p> <p>11 MS. BROWN: Sure.</p> <p>12 BY MS. BROWN:</p> <p>13 Q. And then I'd like to mark as Exhibit 2</p> <p>14 the original Dropbox production of documents</p> <p>15 responsive to this deposition notice.</p> <p>16 (Exhibit 2, original Dropbox production</p> <p>17 of documents responsive to deposition, is marked for</p> <p>18 identification)</p> <p>19 BY MS. BROWN:</p> <p>20 Q. And then we will mark as Exhibit 3 a</p> <p>21 supplement of those Dropbox documents which was</p> <p>22 produced a few days ago.</p> <p>23 (Exhibit 3, supplement of Dropbox</p> <p>24 documents, is marked for identification)</p> <p>25 BY MS. BROWN:</p>	<p>1 Mrs. Converse.</p> <p>2 Q. Okay.</p> <p>3 A. And the deposition of Mrs. Converse.</p> <p>4 The depositions of Marquis Converse.</p> <p>5 Deposition of Jessica Hughes.</p> <p>6 Deposition of Dr. Peter Schwartz.</p> <p>7 Genetic testing report for</p> <p>8 Mrs. Converse.</p> <p>9 Second genetic testing report for</p> <p>10 Mrs. Converse.</p> <p>11 Dr. Schwartz final most recent clinic</p> <p>12 note.</p> <p>13 A consultation note from Memorial</p> <p>14 Sloan-Kettering for Mrs. Converse dated August 28th,</p> <p>15 2007.</p> <p>16 Dr. Schwartz's operative note.</p> <p>17 Now, Mrs. Newsom, my expert report.</p> <p>18 Expert report from Dr. John Godleski.</p> <p>19 Deposition of Mrs. Tamara Newsome.</p> <p>20 Deposition of Daniel François.</p> <p>21 And deposition of Taylor François.</p> <p>22 Deposition of Ravin Garg.</p> <p>23 And the deposition of Albert Steren.</p> <p>24 And a plaintiff's questionnaire.</p> <p>25 PPF.</p>

<p style="text-align: right;">Page 134</p> <p>1 African-American population?</p> <p>2     <b>A. Yes.</b></p> <p>3     Q. And one of the things the authors</p> <p>4 conclude in that paper you know, Doctor, is that</p> <p>5 African-American women use talc more than white</p> <p>6 women, right?</p> <p>7     <b>A. I think Schildkraut said that too, yes.</b></p> <p>8     Q. And you believe that to be true,</p> <p>9 correct?</p> <p>10    <b>A. That's what they determined, so I</b></p> <p>11 <b>accept that.</b></p> <p>12    Q. And yet in the Davis paper, number one,</p> <p>13 they found no dose response, right?</p> <p>14    MS. THOMPSON: Object to form.</p> <p>15    THE WITNESS: I don't recall exactly</p> <p>16 what they looked at.</p> <p>17 BY MS. BROWN:</p> <p>18    Q. And they found even though</p> <p>19 African-American women used talc more than white</p> <p>20 women, they found no statistically significant</p> <p>21 association in African-American women, but they did</p> <p>22 in white women, right?</p> <p>23    MS. THOMPSON: If you're asking him</p> <p>24 continued questions, I would like for him to have the</p> <p>25 article in front of him.</p>	<p style="text-align: right;">Page 136</p> <p>1 African-American women get ovarian cancer less than</p> <p>2 white women, right?</p> <p>3     <b>A. That's my understanding.</b></p> <p>4     Q. And that's not what you would</p> <p>5 necessarily expect if talcum powder was causing</p> <p>6 ovarian cancer, right?</p> <p>7     MS. THOMPSON: Object to form.</p> <p>8     THE WITNESS: So talcum powder isn't</p> <p>9 the only cause of ovarian cancer. So other risk</p> <p>10 factors modulate the risk that talcum powder might</p> <p>11 bring to the table, so to speak. So I'm not saying</p> <p>12 that talcum powder is the only cause of ovarian</p> <p>13 cancer as there are many things contribute to it, so</p> <p>14 it's a multifactorial disease.</p> <p>15 BY MS. BROWN:</p> <p>16    Q. Have you done an investigation into the</p> <p>17 causes of ovarian cancer by race?</p> <p>18    MS. THOMPSON: Object to form.</p> <p>19    THE WITNESS: We know that genetically</p> <p>20 African-American have different genetics. They</p> <p>21 carry, for example, more often a P-53 mutation, for</p> <p>22 example.</p> <p>23    So those are issues that are not --</p> <p>24 that are racial to some degree and so that would be</p> <p>25 an example of a difference that isn't modifiable in</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MS. BROWN:</p> <p>2     Q. Sure.</p> <p>3       And you guys sent me the article as</p> <p>4 something you had looked at, is that true?</p> <p>5     <b>A. I looked at it, but it's not something</b></p> <p>6 <b>that I have right on the top of my head.</b></p> <p>7     Q. Would you expect a population of women</p> <p>8 who use more talcum powder to have a higher incidence</p> <p>9 of ovarian cancer?</p> <p>10    MS. THOMPSON: Object to form.</p> <p>11    THE WITNESS: It depends upon a lot of</p> <p>12 other factors, other risk factors that have to do</p> <p>13 with ovarian cancer.</p> <p>14 BY MS. BROWN:</p> <p>15    Q. Like what?</p> <p>16     <b>A. Parity, whether patients have had their</b></p> <p>17 <b>tubes tied, their age, breast feeding. I mean a</b></p> <p>18 <b>variety of other -- the risks factors that you know</b></p> <p>19 <b>as well as I do. And African-American women don't</b></p> <p>20 <b>necessarily all have the same risk factors.</b></p> <p>21    Q. African-American women, to your</p> <p>22 knowledge, use talcum powder more than white women,</p> <p>23 true?</p> <p>24     <b>A. That's my understanding.</b></p> <p>25     Q. And on sheer rates of incidence,</p>	<p style="text-align: right;">Page 137</p> <p>1 the environment. It doesn't impact fertility or</p> <p>2 breast feeding or tubal ligations, things like that.</p> <p>3 BY MS. BROWN:</p> <p>4     Q. The P-53 mutation is a somatic</p> <p>5 mutation, right?</p> <p>6     <b>A. Is a what?</b></p> <p>7     Q. Somatic mutation?</p> <p>8     <b>A. Yes. It can be. Not always.</b></p> <p>9     Q. And, in fact, most high-grade serous</p> <p>10 cancers contain a P-53 mutation, right?</p> <p>11     <b>A. Many do.</b></p> <p>12     Q. And are you suggesting that there is</p> <p>13 some scientific literature that suggests that ovarian</p> <p>14 cancers in African-American women show more P-53</p> <p>15 mutations than in white women?</p> <p>16     MS. THOMPSON: Object to form.</p> <p>17     THE WITNESS: I was really referencing</p> <p>18 in my own mind in terms of genetic differences by</p> <p>19 race endometrial cancer. And P-53 in black women is</p> <p>20 much more common in the somatic form. So I don't</p> <p>21 know about ovarian cancer. But what I'm trying to</p> <p>22 say is that African-American women genetically have</p> <p>23 differences than white women.</p> <p>24 BY MS. BROWN:</p> <p>25     Q. And you referenced endometrioid --</p>

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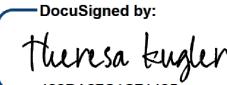
## 1 C E R T I F I C A T E

2

3 I, Theresa Mastroianni Kugler, a Notary Public  
4 and Certified Shorthand Reporter of the State of New  
5 Jersey, do hereby certify that prior to the  
6 commencement of the examination,  
7 D A N I E L L. C L A R K E - P E A R S O N, M D,  
8 was duly sworn by me to testify the truth, the whole  
9 truth, and nothing but the truth.

10 I DO FURTHER CERTIFY that the foregoing is a  
11 true and accurate transcript of the testimony as  
12 taken stenographically by and before me at the time,  
13 place, and on the date hereinbefore set forth, to the  
14 best of my ability.

15 I DO FURTHER CERTIFY that I am neither a  
16 relative nor employee nor attorney nor counsel of any  
17 of the parties to this action, and that I am neither  
18 a relative nor employee of such attorney or counsel,  
19 and that I am not financially interested in the  
20 action.

21 DocuSigned by:  
22   
23 439DA67C1C71495...

24 Theresa Mastroianni Kugler, C.S.R.

Certified Court Reporter

Certificate No. XIO857

Date: August 30, 2021